

## **IC 31-16-6**

### **Chapter 6. Child Support Orders**

#### **IC 31-16-6-1**

##### **Child support orders; relevant factors; account at financial institution**

Sec. 1. (a) In an action for dissolution of marriage under IC 31-15-2, legal separation under IC 31-15-3, or child support under IC 31-16-2, the court may order either parent or both parents to pay any amount reasonable for support of a child, without regard to marital misconduct, after considering all relevant factors, including:

- (1) the financial resources of the custodial parent;
- (2) the standard of living the child would have enjoyed if:
  - (A) the marriage had not been dissolved; or
  - (B) the separation had not been ordered;
- (3) the physical or mental condition of the child and the child's educational needs; and
- (4) the financial resources and needs of the noncustodial parent.

(b) The court shall order a custodial parent or third party under IC 31-16-10-1 who receives child support to obtain an account at a financial institution unless:

- (1) the custodial parent or third party files a written objection before a child support order is issued; and
- (2) the court finds that good cause exists to exempt the custodial parent or third party from the account requirement.

A custodial parent or third party ordered to obtain an account shall provide the clerk of the circuit court or other person or entity acting as assignee or trustee for remittance with an account number and any other information necessary to transfer funds to the account.

(c) In accordance with its policies, a financial institution may restrict or deny services to a person ordered to obtain an account under this section.

(d) This section may not be construed to require the clerk of the circuit court to remit child support payments by electronic funds transfer.

*As added by P.L.1-1997, SEC.8. Amended by P.L.86-2002, SEC.9.*

#### **IC 31-16-6-2**

##### **Expenses for child's education and health care; Title IV-D fees**

Sec. 2. (a) The child support order or an educational support order may also include, where appropriate:

- (1) amounts for the child's education in elementary and secondary schools and at institutions of higher learning, taking into account:
  - (A) the child's aptitude and ability;
  - (B) the child's reasonable ability to contribute to educational expenses through:
    - (i) work;
    - (ii) obtaining loans; and
    - (iii) obtaining other sources of financial aid reasonably available to the child and each parent; and

- (C) the ability of each parent to meet these expenses;
- (2) special medical, hospital, or dental expenses necessary to serve the best interests of the child; and
- (3) fees mandated under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669).

(b) If the court orders support for a child's educational expenses at an institution of higher learning under subsection (a), the court shall reduce other child support for that child that:

- (1) is duplicated by the educational support order; and
- (2) would otherwise be paid to the custodial parent.

*As added by P.L.1-1997, SEC.8.*

### **IC 31-16-6-3**

#### **Setting aside parent's property**

Sec. 3. As part of the child support order the court may set apart the part of the property of either parent or both parents that appears necessary and proper for the support of the child.

*As added by P.L.1-1997, SEC.8.*

### **IC 31-16-6-4**

#### **Health and hospitalization insurance coverage**

Sec. 4. (a) A child support order may also include, where appropriate, basic health and hospitalization insurance coverage for the child.

(b) If, however, the Title IV-D agency initiates action to establish a support obligation and petitions the court to include basic health and hospitalization insurance coverage in the support order, the court shall include a provision addressing insurance coverage for the child.

(c) In an action initiated by the Title IV-D agency or other parties, the court may order the parent who is ordered to pay child support to provide the insurance coverage for the child if the insurance coverage:

- (1) is available to the parent ordered to pay child support or the dependents of the parent as part of the parent's employee benefit plan; or
- (2) is available at reasonable cost to the parent ordered to pay child support.

*As added by P.L.1-1997, SEC.8. Amended by P.L.86-2002, SEC.10.*

### **IC 31-16-6-5**

#### **Security, bond, or other guarantees**

Sec. 5. Upon entering an order under section 1 of this chapter, the court may provide for such security, bond, or other guarantee that is satisfactory to the court to secure the obligation to make child support payments.

*As added by P.L.1-1997, SEC.8.*

### **IC 31-16-6-6**

#### **Termination or modification of child support; emancipation of child**

Sec. 6. (a) The duty to support a child under this chapter ceases

when the child becomes twenty-one (21) years of age unless any of the following conditions occurs:

(1) The child is emancipated before becoming twenty-one (21) years of age. In this case the child support, except for the educational needs outlined in section 2(a)(1) of this chapter, terminates at the time of emancipation, although an order for educational needs may continue in effect until further order of the court.

(2) The child is incapacitated. In this case the child support continues during the incapacity or until further order of the court.

(3) The child:

(A) is at least eighteen (18) years of age;

(B) has not attended a secondary or postsecondary school for the prior four (4) months and is not enrolled in a secondary or postsecondary school; and

(C) is or is capable of supporting himself or herself through employment.

In this case the child support terminates upon the court's finding that the conditions prescribed in this subdivision exist. However, if the court finds that the conditions set forth in clauses (A) through (C) are met but that the child is only partially supporting or is capable of only partially supporting himself or herself, the court may order that support be modified instead of terminated.

(b) For purposes of determining if a child is emancipated under subsection (a)(1), if the court finds that the child:

(1) has joined the United States armed services;

(2) has married; or

(3) is not under the care or control of:

(A) either parent; or

(B) an individual or agency approved by the court;

the court shall find the child emancipated and terminate the child support.

*As added by P.L.1-1997, SEC.8.*

### **IC 31-16-6-7**

#### **Effect of child's emancipation or death of parent obligated to pay support**

Sec. 7. (a) Unless otherwise agreed in writing or expressly provided in the order, provisions for child support are terminated:

(1) by the emancipation of the child; but

(2) not by the death of the parent obligated to pay the child support.

(b) If the parent obligated to pay support dies, the amount of support may be modified or revoked to the extent just and appropriate under the circumstances on petition of representatives of the parent's estate.

*As added by P.L.1-1997, SEC.8.*

### **IC 31-16-6-8**

#### **Repealed**

*(Repealed by P.L.197-1997, SEC.29.)*